

FRUITS AND VEGETABLES

CANNED FRUIT

5016. Misbranding of canned pears. U. S. v. 198 Cases and 300 Cases of Canned Pears. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. Nos. 9508, 9509. Sample Nos. 14621-F, 19188-F, 19190-F.)

On or about March 8 and 9, 1943, the United States attorneys for the Southern District of New York and the District of New Jersey filed libels against 198 cases, each containing 24 cans, of pears at New York City, N. Y., and 300 cases, each containing 24 cans, of pears at Jersey City, N. J., alleging that the article had been shipped in interstate commerce on or about January 16, 1943, by the Pure Foods Corporation from Los Angeles, Calif., to New York, N. Y., and that a part had been reshipped to Jersey City, N. J.; and charging that it was misbranded. The article was labeled in part: (Cans) "Golden Flow Brand Sliced Bartlett Pears."

The article was alleged to be misbranded (1) in that it was represented as a food for which a standard of quality had been prescribed by regulations promulgated pursuant to law, and its quality fell below such standard in that it failed to meet the test for tenderness established by the standard; and (2) its label failed to bear a statement that its quality fell below such standard.

On April 2 and 12, 1943, Pablo A. Font and Luis F. Font, doing business as Font & Co., New York, N. Y., having appeared as claimants and having admitted the allegations of the libels, judgments of condemnation were entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

5017. Misbranding of canned pears. U. S. v. 485 Cases of Canned Pears. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 9382. Sample No. 19156-F.)

On February 20, 1943, the United States attorney for the Eastern District of New York filed a libel against 485 cases, each containing 24 cans, of pears at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about February 2, 1943, by Clement Pappas & Co., from Cedarville, N. J.; and charging that it was misbranded. The article was labeled in part: (Cans) "Pappas Brand U.S.A. * * * Halves Kieffer Pears."

The article was alleged to be misbranded in that it purported to be and was represented as a food for which a standard of quality had been prescribed by regulations promulgated pursuant to law, but its quality fell below such standard with respect to uniformity of trim, tenderness, and freedom from blemishes, and its label failed to bear, in such manner and form as the standard specifies, a statement that it fell below such standard.

On June 9, 1943, Clement Pappas & Co. having appeared as claimant and having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

FRESH FRUIT

5018. Adulteration of apples. U. S. v. 812 Boxes of Apples. Consent decree of condemnation. Product ordered released under bond for reconditioning. (F. D. C. No. 9561. Sample No. 14734-F.)

On February 17, 1943, the United States attorney for the Southern District of California filed a libel against 812 boxes of apples at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about January 13, 1943, by the Fruit Growers Service Co., Inc., from Wenatchee, Wash.; and charging that it was adulterated in that it contained an added poisonous or deleterious substance, arsenic and/or lead, which might have rendered it injurious to health. The article was labeled in part: "Fancy Delicious Boy Blue Brand."

On March 11, 1943, the Angelus Fruit & Produce Co. of Los Angeles, Calif., having appeared as claimant and having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for reconditioning under the supervision of the Food and Drug Administration.

FROZEN FRUIT

5019. Adulteration of frozen strawberries. U. S. v. Samuel Alston Moffett (S. A. Moffett Co.). Plea of guilty. Fine, \$100 on count 1, \$200 fine on each of the remaining 2 counts of the information, and costs. (F. D. C. No. 8802. Sample Nos. 14301-F, 15296-F, 19749-F, 92121-F.)

On July 30, 1943, the United States attorney for the Western District of Washington filed an information against Samuel Alston Moffett, trading as the S. A.

Moffett Co. at Seattle, Wash., alleging shipment within the period from on or about May 27 to July 24, 1942, from the State of Washington into the States of California, Colorado, and Massachusetts of a quantity of frozen strawberries that were adulterated in that they consisted in whole or in part of decomposed substances.

On August 23, 1943, the defendant having entered a plea of guilty, the court imposed a fine of \$100 on count 1 of the information and \$200 on each of the 2 remaining counts, together with costs.

5020. Adulteration of frozen strawberries. U. S. v. 5 Barrels of Frozen Strawberries. Default decree of condemnation and destruction. (F. D. C. No. 9579. Sample No. 38242-F.)

On March 22, 1943, the United States attorney for the Northern District of Illinois filed a libel against 5 barrels of frozen strawberries at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about February 3, 1943, by the S. A. Moffett Co., from Mt. Vernon, Wash.; and charging that it was adulterated in that it consisted in whole or in part of decomposed substances, moldy berries. The article was labeled in part: "Cold Pack Marshall Strawbys."

On May 11, 1943, no claimant having appeared, judgment of condemnation was entered and product was ordered destroyed.

5021. Adulteration of red raspberries. U. S. v. 66 Barrels of Red Raspberries. Consent decree of condemnation. Product ordered released under bond for reconditioning. (F. D. C. Nos. 8714 to 8716, incl., 8856. Sample Nos. 1851-F, 1853-F, 1854-F, 1871-F.)

On November 14, 1942, the United States attorney for the Northern District of Illinois filed a libel against 66 barrels, each barrel containing 390 pounds, of red raspberries at Chicago, Ill., alleging that the article had been shipped in interstate commerce within the period from on or about July 17 to August 5, 1942, by the Frigid Food Products Inc., from Detroit, Mich.; and charging that it was adulterated in that water or water and sugar (sugar present only in some barrels) had been substituted wholly or in part for red raspberries.

On January 14, 1943, the Frigid Food Products, Inc., having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for reconditioning under the supervision of the Food and Drug Administration.

On June 7, 1943, the Welch Fruit Products Co., Chicago, Ill., having entered a claim for 20 barrels of the product and having consented to the entry of the decree theretofore entered, and the court, having heard arguments of counsel and the evidence in support of the claim, found that the 20 barrels of the product in controversy was the product of the Welch Fruit Products Co., and ordered that the product be released to the owner on the same condition as those of the original decree.

MISCELLANEOUS FRUIT PRODUCTS

5022. Adulteration of imitation jellies and Lekvar. U. S. v. Vienna Extract Co., Inc., David Littmann and Moses Siegel. Pleas of guilty. Corporation fined \$600, David Littmann \$1,500 and Moses Siegel \$150. (F. D. C. No. 6451. Sample Nos. 56680-E, 56681-E, 56687-E.)

Samples of these products were found to contain rodent hairs, insect fragments, paint fragments, wood splinters, metal fragments, string fibers, fragments of paper, and nondescript dirt.

On May 13, 1942, the United States attorney for the Eastern District of New York filed an information against the Vienna Extract Co., Inc., Brooklyn, N. Y., and David Littmann, and Moses Siegel, president and treasurer, respectively, of the corporation, alleging shipment on or about April 26 and May 8, 1941, from the State of New York into the State of Connecticut of quantities of imitation jellies and Lekvar that were adulterated in that they consisted in whole or in part of filthy substances, and in that they had been prepared under insanitary conditions whereby they may have become contaminated with filth. The articles were labeled in part: "Imitation Raspberry Jelly * * * [or "Imitation Rasp. Flavored Fruit Jelly"] Manufactured for I. Bader & Co. * * * Bridgeport, Conn.," or "D. L. Brand * * * Baker's Delight Lekvar [or "Imitation Fruit Jelly"]."

On May 26, 1942, a plea of guilty having been entered on behalf of the defendant corporation and by the individual defendants, the court imposed a fine of \$600 against the corporation, \$1,500 against David Littmann, and \$150 against Moses Siegel.